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**MAILED**

**FEB 23 2006**

**TECHNOLOGY CENTER 2100**

In re Application of: Endo, et al. )  
Application No. 09/667,769 ) **DECISION ON PETITION TO**  
Attorney Docket No. 04329.2431 ) **WITHDRAW HOLDING OF**  
Filed: September 22, 2000 ) **ABANDONMENT UNDER 37 CFR**  
For: METHOD FOR DETERMINING A ) **§1.181**  
SERVER COMPUTER WHICH CARRIED )  
OUT A PROCESS MOST RECENTLY, )  
AND HIGH AVAIL. COMPUTER SYSTEM )

This is a decision on the renewed petition filed June 17, 2005 under 37 CFR §1.181, requesting the Withdrawal of the Holding of Abandonment of the above-identified application. This application was held abandoned for failure to timely respond to the Non-Final Office action mailed December 23, 2003. A Notice of Abandonment was mailed on July 26, 2004. A decision dismissing the original petition to Withdraw the Holding of Abandonment, filed on September 3, 2004, was mailed on May 4, 2005.

The petition is **GRANTED**.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

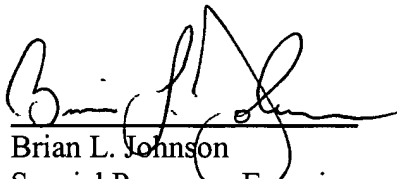
- 1) a statement from practitioner that the Office action was not received,
- 2) a statement from practitioner that the file jacket and docket records were searched,
- 3) a copy of the docket record at the address of record, and
- 4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. Petitioner also provides a copy of the docket record where the non-received action would have been entered. Additionally, the petition furnishes a copy of the mail log at the address where the action would have been received, and the referenced address reflects the Patent Office's address of record for the instant Application at the time the action was mailed.

Petitioner has established non-receipt of the Office action according to the requirements set forth supra. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment (restore the instant application to pending status) and to **REDATE/REMAIL** the Office action originally mailed December 23, 2003.

Any questions regarding this decision may be directed to the undersigned at 571-272-3595.

A handwritten signature in black ink, appearing to read "Brian L. Johnson", is written over a horizontal line.

Brian L. Johnson  
Special Programs Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security